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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/771,809

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Hank Risan

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70407

7590

11/10/2009

MEDIA RIGHTS TECHNOLOGIES C/O WAGNER BLECHER LLP  
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EXAMINER

DADA, BEEMNET W

ART UNIT

PAPER NUMBER

2435

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/771,809	<b>Applicant(s)</b> RISAN ET AL.	
	<b>Examiner</b> BEEMNET W. DADA	<b>Art Unit</b> 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

In view of the Appeal Brief filed on 07/01/2009, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claims 1-44 are pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-15, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Raley et al. US 2002/0108050 A1 (hereinafter Raley).

As per claims 1, 13, 14 and 29, Raley teaches a method for selectively controlling access to media disposed on a media storage device, said method comprising:

installing a compliance mechanism on a computer system, said compliance mechanism communicatively coupled with said computer system when installed thereon, said compliance mechanism for enforcing compliance with a usage restriction applicable to said media [paragraphs 0057, 0064 and 0067];

obtaining control of a data pathway operable on said computer system [paragraphs 0059];

accessing data disposed on said media storage device to determine said usage restriction [paragraphs 0059-0060]; and

selectively preventing said computer system from digitally accessing said media via said data pathway while enabling presentation of the media [paragraphs 0059-0062].

As per claim 2, Raley further teaches the method wherein said usage restriction comprises a copyright restriction or a licensing agreement associated with the media [paragraphs 0057, 0064 and 0067].

As per claim 3 and 4, Raley further teaches the method wherein installing a filter driver on the computer system, said filter driver configured to be coupled with and operable in conjunction with the compliance mechanism and for controlling said data pathway [paragraphs 0059].

As per claims 5, 7, 8, 15 and 30, Raley further teaches the method further comprising: activating an autorun mechanism disposed on said media storage device in response to a

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device drive coupled with said computer system receiving said media storage device, said autorun mechanism for initiating said installing said compliance mechanism on said computer system [paragraphs 0057, 0064 and 0067].

As per claim 9, Raley further teaches the method further comprising bypassing said installing said compliance mechanism on said computer system if an instance of said compliance mechanism is predisposed on said computer system [paragraphs 0057, 0064 and 0067].

As per claim 10, Raley further teaches the method further comprising initiating a communication session between said computer system and a network to which said computer system is coupled and from which said compliance mechanism is available, comparing said compliance mechanism present on said computer system and said compliance mechanism available from said network; and updating said compliance mechanism on said computer system [paragraphs 0057, 0064 and 0067].

As per claim 11, Raley further teaches the method further comprising deactivating said compliance mechanism upon detection of uncoupling of said media storage device from said computer system [paragraphs 0057, 0064 and 0067].

As per claim 12, Raley further teaches the method further comprising uninstalling said compliance mechanism upon detection of uncoupling of said media storage device from said computer system [paragraphs 0057, 0064 and 0067].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-28 and 31-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Searle (WO 01/46952) [Submitted with IDS filed on 07/29/05] in view of Raley US 2002/018050 A1.

As per claims 16 and 28, Searle teaches a system for selectively controlling access to media on a media storage device, said system comprising:

a device drive coupled with a computer system for accessing said media storage device, said device drive communicatively coupled with an analog sound rendering device of said computer system [page 5, line 23-page 6, line2]; and

a compliance mechanism (i.e., preventing access based on different types) is configured to selectively prevent access to said media via a digital data pathway of said computer system while presenting said media via said analog sound rendering device [page 5, line 31-page 6, line 22 and page 7, lines 3-222].

Furthermore, Raley teaches a compliance mechanism disposed on a media storage device and configured to be installed on and communicatively coupled with a computer system, said compliance mechanism for enforcing compliance with a usage restriction applicable to said media [paragraphs 0057, 0064 and 0067], electively preventing said computer system from digitally accessing said media via said data pathway while enabling presentation of the media

[paragraphs 0059-0062]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Searle within the System of Raley in order to enhance the security of the system.

As per claims 31 and 42 Searle teaches a computer readable medium for storing computer implementable instructions for causing a computer system to perform a method of selectively controlling access to media on a media storage device, said method comprising:

invoking an autorun protocol disposed on said media storage device in response to a device drive coupled with said computer system receiving said media storage device [page 4, lines 12-24],

acquiring control of a digital data pathway of said computer system with a filter driver coupled with said compliance mechanism and with said computer system [page 5, line 23-page 6, line2]; and

selectively restricting said media on said media storage device from being accessed via said digital data pathway while enabling presentation of said media using an analog sound rendering device communicatively coupled with said device drive [page 5, line 31-page 6, line 22 and page 7, lines 3-222].

Furthermore, Raley teaches an autorun protocol for installing a compliance mechanism on a computer system, said compliance mechanism communicatively coupled with said computer system when installed thereon, said compliance mechanism for enforcing compliance with a usage restriction applicable to said media [paragraphs 0057, 0064 and 0067]; and further teaches filter driver installed during said installing of said compliance mechanism [paragraphs 0059].

It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Searle within the System of Raley in order to enhance the security of the system.

As per claim 17, Searle further teaches the system wherein said compliance mechanism further comprises filter driver configured to be coupled with said compliance mechanism and said digital data pathway, said filter driver for controlling said digital data pathway [page 5, line 31-page 6, line 22 and page 7, lines 3-222].

As per claims 18, 19 and 33-36, Searle further teaches the system wherein said compliance mechanism is configured to initiate a communication session between said computer system and a network to which said computer system is coupled and from which a second compliance mechanism is available [page 5, line 31-page 6, line 22 and page 7, lines 3-222].

As per claims 20-24, 37, 38, 43 and 44, Raley further teaches the system further comprising an autorun protocol disposed on said media storage device configured to initiate installation of said compliance mechanism and a presentation mechanism on said computer system in response to said device drive receiving said media storage device [paragraphs 0057, 0064 and 0067].

As per claims 25 and 39, Raley further teaches the system wherein said usage restriction comprises a copyright restriction or licensing agreement applicable to said media [paragraphs 0057, 0064 and 0067].



As per claims 26 and 40, Searle further teaches the system wherein said compliance mechanism is configured to be deactivated upon detection of uncoupling of said media storage device from said computer system [page 5, line 31-page 6, line 22 and page 7, lines 3-222].

As per claims 27 and 41, Searle further teaches the system wherein said compliance mechanism is configured to be uninstalled upon detection of uncoupling of said media storage device from said computer system [page 5, line 31-page 6, line 22 and page 7, lines 3-222].

As per claim 32, Raley further teaches the method further comprising bypassing said installing said compliance mechanism on said computer system if an instance of said compliance mechanism is predisposed on said computer system [paragraphs 0057, 0064 and 0067].

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raley in view of Searle.

As per claim 6, Raley teaches the method as indicated above. Furthermore, Searle teaches a method of selectively controlling access to media disposed on a media storage device including presenting said media using an analog sound rendering device communicatively coupled with said drive via an analog signal path [page 5, line 31-page 6, line 22 and page 7, lines 3-222].

It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Searle within the system of Raley in order to enhance usability of the system.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEEMNET W. DADA whose telephone number is (571)272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Beemnet W Dada/  
Primary Examiner, Art Unit 2435